REGULAR MEETING

PRESENT: Mayor Al Heggins, Presiding; Mayor Pro Tem David Post; Council Members

Karen Alexander and William Brian Miller; City Manager W. Lane Bailey; City

Clerk Diane Gilmore, and City Attorney F. Rivers Lawther, Jr.

ABSENT: Councilmember Tamara Sheffield.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Heggins led those present in the Pledge of Allegiance to the United States flag.

ADDITIONS TO THE AGENDA

Mayor Heggins noted the following changes to the Agenda:

Add – a variance request from Uniform Construction Standards for MI-02-2018 Rail walk.

Add – announcements for the Community Appearance Commission and Housing Advocacy Committee 2018 Blockwork application and the Dixonville-Memorial Task Force Ministers of Comedy event.

PROCLAMATION

Mayor to proclaim the following observances:

NATIONAL DAY OF PRAYER

May 03, 2018

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present and recognized Livingstone College international students.

CONSENT AGENDA

(a) Approval of Minutes

Adopt Minutes of the Regular meeting of April 3, 2018.

(b) Voluntary Annexation

Adopt a Resolution for a voluntary annexation for a certificate of sufficiency from the City Clerk concerning the voluntary annexation of Drummond Village, Phase 2 and adopt a Resolution setting a public hearing for June 5, 2018.

RESOLUTION FOR CERTIFICATE OF SUFFICIENCY FOR DRUMMOND VILLAGE PHASE TWO.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 16, and is known as Resolution 2018-10.)

(c) <u>Right-of-way – 228 East Kerr Street</u>

Approve right-of-way permit for a portion of the sidewalk adjacent to 228 East Kerr Street for seven months.

(d) <u>Municipal Agreement – NCDOT</u>

Approve a Municipal agreement with the North Carolina Department of Transportation (NCDOT) concerning sidewalks along Brenner Avenue from Statesville Boulevard to West Horah Street and intersection improvements at Link Avenue.

(e) Budget Ordinance Amendment – Sale of Surplus Property

Adopt a Budget Ordinance amendment to the FY2017-2018 budget in the amount of \$89,950 to appropriate the sale of surplus equipment.

ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE SALE OF ASSETS

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 51 and is known as Ordinance 2018-19.)

(f) Resolution – Electronic Transactions

Adopt a Resolution authorizing the City of Salisbury to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441.

RESOLUTION AUTHORIZING THE CITY OF SALISBURY TO ENGAGE IN ELECTROIC PAYMENTS AS DEFINED BY G.S. 159-28 or G.S. 115C-441.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 17, and is known as Resolution 2018-11.)

Thereupon, Councilmember Alexander made a **motion** to adopt the Consent Agenda as presented. Mayor Pro Tem Post seconded the motion. Mayor Heggins and Mayor Pro Tem Post, and Councilmembers Alexander and Miller voted AYE. (4-0)

LANDMARK DESIGNATION EDGAR S. TEMPLE HOUSE

City Planner Kyle Harris provided Council an overview to the program adopted in that authorizes North Carolina municipalities to designate Local Historic Districts and Landmarks, and he added Salisbury has five local historic districts. He noted the City did not have a landmark procedure in place prior to 2017. He reviewed landmarks qualified for the program include buildings, structures, sites, areas, or objects deemed by the area's local preservation commission to be of special sufficiency in terms of historical and pre-historical architectural or cultural importance that retain integrity of design, setting and workmanship of association.

Mr. Harris reviewed the Edgar S. Temple House located at 1604 Statesville Boulevard. Mr. Harris commented the Historic Preservation Commission (HPC) has determined the property to be architecturally sufficient as a distinctive example of the Spanish colonial revival style and it retains its historic integrity. He commented planning staff received a research report from the property owners in November 2017. He added the report was submitted to the State Historic Preservation Office (SHPO) as a requirement in the review process. He noted a positive letter from the SHPO was received in December 2017 with comments noting the property's unique and distinctive architectural example of the Spanish Colonial Court. He noted HPC has determined and recommended the Edgar S. Temple House be approved for a local landmark designation.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding a Landmark designation as the Edgar S. Temple House.

Mr. Larry Bowyer indicated he and his wife Karen Bowyer are owners of the Edgar S. Temple House and commented he is excited for the landmark consideration. He stated the late Edgar Temple moved to Salisbury to become one of the City's first landscape architects, and he noted Mr. Temple developed parts of the VA hospital landscape, and he designed and constructed

the footballs fields at East, West, and North Rowan High schools. He noted Mr. Temple was responsible for restoring one of the City's oldest wells and the gazebo in the Bell Tower Park.

Ms. Sylvia Temple Boyd addressed Council on behalf of the Temple family and commended Mr. and Mrs. Bowyer for the hard work toward the property's historic preservation.

There being no one else to address Council, Mayor Heggins closed the public hearing.

Mayor Pro Tem Post asked Mr. Harris about the implications when applying for a tax deferral. Mr. Harris commented the designation would provide 50% property tax deferral long as the property's important historic features are maintained. Mayor Pro Tem Post asked about Rowan County's approval. Mr. Harris commented the County has been made aware of the landmark designation recommendation. He reviewed the program is setup in the way that property owners would pay 50% of its property's taxes to the County and the City.

Councilmember Miller asked about the landmark designation and its deferral programs of districts. Mr. Harris noted the local landmark designation is the only type of historic preservation that is eligible for the 50% deferral. He added the deferral plan is for properties outside of an eligible historic district, and he commented the Edgar Temple property is in an area that a historic district has not been created. He noted properties on the National Registry are not eligible for the landmark designation deferral program.

Mayor Pro Tem Post asked if the J.C. Price and Wallace properties, that are inside of historic districts could apply for a 50% tax deferral. Mr. Harris agreed and he noted properties that are established within a historic district would be eligible to apply. He indicated Council has the ability to create and manage landmark designation criteria. He reviewed several criteria's to designate a property as a local Landmark Designation.

Councilmember Alexander asked if the first criteria of a landmark designation has to be approval by SHPO before it is presented to Council. Mr. Harris agreed.

Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance designating the Edgar S. Temple House, located at 1604 Statesville Boulevard, in Salisbury North Carolina as a Historic Landmark. Councilmember Alexander seconded the motion. Mayor Heggins and Mayor Pro Tem Post, and Councilmembers Alexander and Miller voted AYE. (4-0)

ORDINANCE DESIGNATING THE "EDGAR S. TEMPLE HOUSE," LOCATED AT 1604 STATESVILLE BOULEVARD IN SALISBURY, NORTH CAROLINA, AS A HISTORIC LANDMARK.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 52 through 54, and is known as Ordinance 2018-20.)

RENAMING SECTION OF GREENWAY

Parks and Recreation Director Nick Aceves addressed Council regarding the request to rename the Prescott Section of the Greenway in honor and memory of Mr. Bill Stanback. Mr. Aceves commented Mr. Stanback was an advocate for the community, and he served as Mayor, and was a member of the Salisbury Greenway Committee. He commented on April 23, 2018 the Parks and Recreation Advisory Board voted unanimously to rename a section of the Greenway to the Bill Stanback Greenway. Mr. Aceves asked Council to consider approving a 30-day public hearing for public input.

Councilmember Miller asked Mr. Aceves to provide the location of the proposed Greenway section to be renamed. Mr. Aceves commented the section of Greenway is off Prescott Drive and continues to Overton Elementary and Knox Elementary area. Mr. Miller asked if it extends into the Eagle Heights area. Mr. Aceves agreed.

Thereupon, Councilmember Alexander made a **motion** to establish a thirty-day period for public input to rename the Prescott section of the Greenway to the Bill Stanback Greenway. Councilmember Miller seconded the motion. Mayor Heggins and Mayor Pro Tem Post, and Councilmembers Alexander and Miller voted AYE. (4-0)

<u>LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-01-2018 – FIVE PARCELS ALONG STATESVILLE BOUELVARD</u>

Development and Code Services Manager Preston Mitchell addressed Council regarding Land Development District Map Amendment CD-01-2018. He noted the property is considered Resident Mixed-Use (RMX) with a Conditional District (CD) Overlay and commented if the rezoning is approved it would also approve a Master Plan to construct an 80-unit multi-family apartment complex. He noted the Planning Board considered the rezoning at its March 13, 2018 and voted 6-1 with conditions and the rezoning to be consistent with the Vision 2020 Plan. He commented the developer revised portions of the plan to incorporate the Planning Board's recommendations.

Mr. Mitchell commented a study had been completed with the consideration of existing multi-family residential properties in the area to identify the need for additional units. He noted there are 977 units that make up 45% of the City's multi-family units with an average of 11-units per acre. He commented a decision to table the item was made on April 3, 2018 to wait for the completion of the Western Corridor Plan. He commented staff communicated with Mr. David Owens a professor of Public Law and Government at the University of Chapel Hill School (UNC) School of Government (SOG). He noted Mr. Owens is the lead land-use attorney and a statewide advisor for land-use. He added Mr. Owens recommended that Council should act on the request.

Councilmember Alexander asked about the buffer alongside the fence. Mr. Mitchell noted the buffer would include a 6-foot pressure treated fence that would run east to west on the property and extend northward to building number 200. He noted an additional 200-feet evergreen planting would extended to building number 300. He stated the plan notes no clearing or grading would

extend past the contour lines of approximate parcel number 730 on the eastside of the property and parcel number 742 on the west property line. He commented staff contacted Mr. Randy Reamer, who represented two property owners who were in opposition of the proposed rezoning to mitigate their concerns with the suggestion of a "gap-tooth" effect. He commented staff asked if the property owners would consider selling their property.

Mayor Pro Tem Post asked if a conversation has taken place with adjoining neighbors regarding the privacy fence. Mr. Mitchell commented conversations had taken place and the fence was to reduce visual impact.

Councilmember Miller asked if a public hearing was needed. Mr. Mitchell explained no public hearing was needed and Council has met its obligations. Councilmember Miller stated he is in favor of the rezoning.

Councilmember Alexander commented she is in agreement with the proposed rezoning due to the recommendations from the SOG and Planning Board.

Mayor Heggins noted the need of more affordable housing and commented it would be unfair to the developer and the community to delay the rezoning. Mayor Pro Tem Post suggested the Planning Board communicate with the property owners to be consistent. Mr. Mitchell stated he would contact Mr. Randy Reamer who represents the property owners.

Councilmember Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein to Residential Mixed-Use (RMX) district and by establishing a Conditional District (CD) Overlay is reasonable, in the public interest, and consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan as it relates to promoting a variety of housing types in the community and that higher density housing should be located near places of work, shopping, and public transit and designed with direct access to major roads. Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning five parcels in the 2300 block of Statesville Boulevard to residential mixed-use (RMX) district and establishing a Conditional District Overlay to permit the development of an 80-unit apartment complex. Councilmember Alexander seconded the motion. Mayor Heggins and Mayor Pro Tem Post, and Councilmembers Alexander and Miller voted AYE. (4-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING FIVE PARCELS IN THE 2300 BLOCK OF STATESVILLE BOULEVARD TO RESIDENTIAL MIXED-USE (RMX) DISTRICT AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF AN 80-UNIT APARTMENT COMPLEX.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 55 and 56, and is known as Ordinance 2018-21.)

RECOGNITION - LIVINGSTONE COLLEGE INTERNATIONAL STUDENTS

Mayor Heggins recognized international students from Livingstone College along with their instructors. Dr. Earl Brown stated the mission of the international program is to create opportunities for students to gain an international learning experience, and he added the program is to attract international students. He informed Council that Livingstone College currently has students from Mangola, Liberia, Nigeria, Uganda, India, and Bahamas. He added two Livingstone College students traveled to Peru, six students studied at Invertis University located in India, and eight students would travel abroad to China for summer studies. He recognized the students in attendance as the third group of students from the University of Invertis located in India. He thanked Council for recognizing Livingstone College's international students.

RECOGNITION - MAYOR'S SPIRIT LUNCHEON KEYNOTE SPEAKER

Mayor Heggins recognized Doctor Regina Dancy as the Mayor's Spirit Luncheon key note speaker, and she thanked Dr. Dancy for the message that she provided at the Mayor's Spirit Luncheon.

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Mr. John Struzick commended Council for its service. He addressed Council regarding United Way fundraising and its effective service to the community.

Ms. Renee Bradshaw shared she was a part of the Rowan Family Crisis Council and commented without the United Way's support the Family Crisis Council would not exist. She shared the needs of Rowan County.

Mayor Heggins asked if reports had been provided by local colleges. Ms. Bradshaw commented Catawba College and Rowan County Community College had no reports.

Ms. Carolyn Logan shared her concerns regarding crime in the City, and asked if the City was paying for people to use Catawba College's swimming pool.

Ms. Renee MacNutt expressed her concerns regarding a citizen's comment made at a previous council meeting regarding electronic leash restraint. Ms. MacNutt asked Council to not forget the Holiday Caravan and the demonstration regarding free speech.

Miss Brooklynne Witherspoon indicated she is a member of Dorsett Chapel Church and shared her cousin was a victim of gun violence. Miss Witherspoon stated she has started a program called a Bridge for Kids, to connect Firefighters and Police Officers to the community to provide better communication with children.

Ms. Sharen Johnson expressed her opposition regarding gun violence.

Mayor Pro Tem Post commended Miss Witherspoon for her comments.

There being no one else to address Council, Mayor Heggins closed the public comment session.

REQUEST - UNIFORM CONSTRUCTION STANDARDS FOR MI-02-2018, RAIL WALK

City Engineer Wendy Brindle addressed Council with a request for a variance to Uniform Construction Standards located beneath a structure at 228 East Kerr Street. Ms. Brindle commented the Uniform Construction Standard does not allow structures to be built over drainage pipes, and she indicated the proposal is to replace the existing structure and relocate the existing pipe. She indicated the proposal is to replace an existing 36-inch corrugated metal pipe with a 24-inch reinforced concrete pipe and could be funded by the City if pipe is placed in the public right-of-way.

She reviewed a second option that pertains to Section 1.08 of the Uniform Construction Standard and noted Architect Bill Burgin and the Tourism Development Authority (TDA) reviewed the option to remove the pipe from beneath the building. She noted the TDA has received bids of an additional \$25,000 for the portion of pipe located on the private property and \$38,000 for the portion within the right-of-way. She noted the cost includes pothole repair. Ms. Brindle noted the property owner requested a variance be presented to Council due to the fiber optic line's location at Kerr Street to allow the pipe to be replaced at its existing location beneath the proposed structure. Ms. Brindle expressed staff recommended the pipe be relocated and recognized the need to replace the deteriorated 36-inch pipe with a 10-foot drainage easement. She noted the easement would give maintenance responsibilities to the property owner.

Councilmember Alexander asked if the City would incur cost if the pipe remains in its existing location. Ms. Brindle commented the City would have no cost. Councilmember Alexander asked if the TDA would be responsible for all new cost. Ms. Brindle agreed. Councilmember Alexander asked if staff was okay with the pipe remaining under the structure. Ms. Brindle agreed if approved with easement conditions. Councilmember Alexander asked if notations were made to blue prints regarding the conditions of the pipes. Ms. Brindle noted documentation has been made in the motion.

Councilmember Miller commented the structure is a concrete driveway, and he asked if the property has limited access. Ms. Brindle noted there is a height restriction.

City Manager Lane Bailey commented he would not normally recommend a variance from City standards, and he added the variance has been requested due to the replacement of the deteriorating pipe and the unknown location of AT&T lines.

Councilmember Miller reviewed the drainage issues in the area and commented the current pipe could be capped and left in place. He commented the proposed variance to Uniform

Construction Standards has been considered due to the pipe's location and its condition with limited access to the property.

Thereupon, Councilmember Miller made a **motion** to approve the variance from Uniform Construction Standards to allow a 36-inch reinforced concrete pipe (RCP) to be installed beneath a proposed structure at 228 East Kerr Street, with an establishment of a 10-foot drainage easement. Mayor Pro Tem Post seconded the motion. Mayor Heggins and Mayor Pro Tem Post, and Councilmembers Alexander and Miller voted AYE. (4-0)

BOARDS AND COMMISSIONS

Mayor Heggins asked Council to consider an extension of June 1, 2018 to provide recommendations for the Human Relations Commission. Council agreed.

CITY MANAGER'S REPORT

(a) 3rd Quarter Financial Report

City Manager Lane Bailey asked Financial Services Director Shannon Moore to present the third quarter financial update.

Ms. Moore referenced an adjustment to the General Fund and noted the current budget-to-actual variance of \$2.5 million and the current budget for FY18 includes an adopted fund balance appropriation of \$2.664 million.

Ms. Moore pointed out an increase in sales tax of 3.76 cent. Mayor Pro Tem Post clarified the increase was a decision made by Council toward policing efforts. Ms. Moore agreed. She indicated the current tax collection rate through March of 2018 is at 96.52% of billed funds collected.

Ms. Moore indicated sales tax receipts are at \$273,000 and are up from the previous year's gross of \$158,000. Councilmember Miller asked if it would be possible to determine the downtown sales receipts through Municipal Service District (MSD). Ms. Moore commented she was not certain if the state segregates sale receipts.

Ms. Moore reviewed the General Fund expense and indicated all departments are on budget for the third quarter with the exception of the Police Department and Fire Department.

Ms. Moore commented the Storm Water Fund is \$7,000 under budget. She commented Water Sewer Fund is at \$500,000, up from the previous year sales.

Ms. Moore explained the Transit Fund receives federal funding and noted revenues of \$764,927. She indicated the department has not submitted the federal grant reimbursement for the third quarter. Mayor Pro Tem Post asked about the amounts of the grants. Ms. Moore noted she

did not have specific numbers and commented grants provide 50/50 with operations and 80/20 with capital expenses.

Ms. Moore indicated Fibrant revenues are at \$911,000 and less than budgeted. She noted expenses are lower than the budgeted of \$3 million. She commented a decrease in operating revenues and stated operating expenses continue to increase with a \$300,000 difference between the first and third quarter.

Mr. Bailey indicated a follow-up meeting regarding Council's planning retreat and noted the Capital Improvement Plan (CIP) called for a 2 cent sales tax increase with hopes to absorb the increase through sales and property taxes. He noted sales tax had not had the growth as projected. He commented the discretionary funds were cut and no new items have been added to the budget. He suggested a discussion with Council regarding transit funding during the May 9, 2018 meeting to review Council's goals.

Councilmember Miller suggested a conversation regarding transit could be had before the May 9, 2018 goal workshop meeting in order to best determine and understand the needs of the Transit Department.

ANNOUNCEMENTS

City Manager Lane Bailey announced the Salisbury Police Department Foot Pursuit 5K Run and Health Walk will be held Saturday, May, 12, 2018 at 7 p.m. starting and ending at the Salisbury Police Department. This 3.1 mile race will kick off the 2018 National Police Week commemorations. This event is sponsored by the Salisbury Police Department and Salisbury Rowan Runners, and is expected to become an annual event for the community. Sponsors are delighted to be teaming up with North Carolina Special Olympics as a race beneficiary. Sign up online at http://salisburyrowanrunners.org and follow the link in the Event Calendar.

City Manager Lane Bailey announced Parks and Recreation will host its annual Middle School Prom Saturday, May 12, 2018 from 6:00 p.m. until 9:00 p.m. at the Civic Center. All middle school students in Rowan County are welcome to enjoy an evening of dancing, photos and a good time with friends. Refreshment will be served and photo packages will be available for purchase. Tickets are limited and must be purchased in advance. For more information or to purchase tickets please call 704 -216 -PLAY.

City Manager Lane Bailey announced the Rowan County Sheriff's Office and the Salisbury Police Department will hold the 2018 Police Officer's Memorial Service on Tuesday, May 15, 2018 at noon at First Presbyterian Church, 308 West Fisher Street.

City Manager Lane Bailey announced the City of Salisbury and Cheerwine are teaming up to host the 2018 Cheerwine Festival. The free event will take place on Saturday, May 19, 2018, in downtown Salisbury from 10:00 a.m. until 8:00 p.m. Cheerwine fans will enjoy cold Cheerwine, live music, great Southern food, shopping for Cheerwine merchandise, family-friendly activities, a beer garden and local craft vendors. For more information, please call 704-216-PLAY.

City Manager Lane Bailey announced the 2018 Blockwork event has been scheduled for Saturday, October 27, 2018, on National Make a Difference Day. Applications are now being accepted for neighborhood participation through the Community Planning Office. Applications and guidelines are available online at www.salisburync.gov/Blockwork. All applications are due by June 15, 2018.

City Manager Lane Bailey announced the Dixonville-Lincoln Memorial Project Task Force will host "Ministers of Comedy" Thursday, May 17, 2018 at 6:00 p.m. at the Salisbury Civic Center. Come laugh with the community and local pastors. Tickets are \$10 and will be available for purchase at the door. To purchase tickets in advance please call (704) 252-1630 or (704) 645-8710. Ticket sales will benefit the Dixonville-Lincoln Memorial Fund. The event is open to the public.

COUNCIL COMMENTS

Councilmember Alexander indicated she met with the Mayor of Bareilly, India. She asked Council to consider a sister city relationship with India that would allow information to be shared internationally.

Councilmember Miller commented that two committee meeting dates needed to be determined. City Manager Lane Bailey commented the free speech ordinance could be considered more pressing than the golf cart ordinance. Mayor Heggins suggested Mayor Pro Tem Post and Councilmember Miller could establish a meeting date at different time and provide the information to City Clerk Diane Gilmore to make a public notice.

Mr. Bailey responded to Councilmember Alexander's comment regarding a sister city relationship with India, and he added a conference that discusses sister city relationships will be held August 2 through August 4, 2018 in Denver, Colorado. He noted he would provide information to the Clerk.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post commended staff for support regarding the Hack-a-thon event. He noted nine cities participated and he commented the students did well in the. He added the Salisbury team placed 20th out of 160 teams and noted a majority of participates were universities.

MAYOR'S COMMENTS

Mayor Heggins expressed her opposition to gun violence. She thanked Councilmember's who attended the Mayor's Spirit Luncheon, and she thanked the Convent Community Connection Committee who sponsors and participates in the event.

Mayor Heggins indicated she held a collegiate gathering at City Hall on April 30, 2018 with a purpose to bring together colleges and to create a process for collaboration and she commended the student government presidents, college presidents, college advisors, City Clerk Diane Gilmore, and Deputy Clerk Emily Michael for their support.

Mayor Heggins announced that she would be traveling to Salisbury, England to attend its governing ceremony as a City representative.

Mayor Heggins congratulated Councilmember Alexander in receiving her honorary doctorate.

ADJOURNMENT

Motion to adjourn the meeting was made by Mayor Pro Tem Post and seconded by Councilmember Alexander. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:10 p.m.

Al Heggins, Mayor

Diane Gilmore, City Clerk